

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1161 be amended to read as follows:

- 1 Page 5, line 8, delete "set a" and insert "**publish notice in**
- 2 **accordance with IC 5-3-1 of the**".
- 3 Page 5, line 10, delete "public" and insert "**last date the**".
- 4 Page 5, line 10, after "notice" insert "**is published**".
- 5 Page 17, line 8, after "under" strike "IC".
- 6 Page 20, after line 41, begin a new paragraph and insert:
- 7 "SECTION 18. IC 36-10-3-23 IS AMENDED TO READ AS
- 8 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. (a) This section
- 9 applies only to:
- 10 (1) the acquisition of real property; or
- 11 (2) a work of improvement;
- 12 that will be financed by the issuance of bonds.
- 13 (b) If the board decides to:
- 14 (1) acquire land for any of the purposes prescribed in this chapter,
- 15 either by purchase or by appropriation, and in conjunction with
- 16 the acquisition to proceed with a work of improvement authorized
- 17 by this chapter;
- 18 (2) acquire real property without proceeding at the time with a
- 19 work of improvement; or
- 20 (3) proceed with a work of improvement where the real property
- 21 has been already secured;
- 22 it shall adopt a resolution stating the purpose, describing the land to be
- 23 acquired, the manner of acquisition, and, in the case of an
- 24 appropriation, the other land that may be injuriously affected, or

describing the lands already acquired and intended to be used in connection with the proposed work of improvement.

(c) If a work of improvement is provided for in the resolution, the board shall have preliminary plans and specifications and an estimate of the cost of the proposed work prepared by the engineer selected to do the work. The resolution must be open to inspection by all persons interested in or affected by the appropriation of land or the construction of the work. The board shall have notice of the resolution and its contents published in accordance with IC 5-3-1. The notice must state a date on which the board will receive or hear remonstrances from persons interested in or affected by the proceedings and on which it will determine the public utility and benefit.

(d) Notice shall be sent by certified mail to each owner of land to be appropriated under the resolution, using the owner's address as shown on the tax duplicates. In addition, notice of the land to be appropriated shall be published in accordance with IC 5-3-1. All persons affected in any manner by the proceedings, including all taxpayers in the district, are considered notified of the pendency of the proceedings and of all subsequent acts, hearings, adjournments, and orders of the board by the original notice by publication.

(e) In the resolution and notice, separate descriptions of each piece or parcel of land are not required, but it is a sufficient description of the property purchased, to be purchased, or to be appropriated or damaged to give a description of the entire tract by a platted description or by metes and bounds, whether the land is composed of one (1) or more lots or parcels and whether it is owned by one (1) or more persons. If the land or a part of it is to be acquired by purchase, the resolution must also state the maximum proposed cost.

(f) The board may, at any time before the adoption of the resolution:

- (1) obtain from the owner or owners of the land an option for its purchase; or
- (2) enter into a contract for its purchase upon the terms and conditions that the board considers best.

The option or contract is subject to the final action of the board confirming, modifying, or rescinding the resolution and to the condition that the land may be paid for only out of the special fund resulting from the sale of bonds as provided by this chapter.

(g) If the board decides to acquire any lots or parcels of land by purchase, the board shall appoint ~~three (3)~~ **two (2)** qualified appraisers to appraise ~~its value~~ **the fair market value of the land. Each appraiser must be professionally engaged in making appraisals or be trained as an appraiser and licensed as a broker under IC 25-34.1.** The appraisers may not be interested directly or indirectly in any land that is to be acquired under the resolution or that may be injured or incur local benefits. The appraisers shall take an oath that they have no interest in the matter and that they will honestly and

1 impartially make the valuation. ~~They shall then view the land,~~
 2 ~~determine the true market value of it at that time; and report the~~
 3 ~~appraisal in writing. The appraisers shall return the appraisers'~~
 4 **separate appraisals to the board not more than thirty (30) days**
 5 **after the date of their appointment.** The ~~report appraisals~~ shall be
 6 filed with and ~~becomes~~ **become** a part of the record of the proceeding.

7 (h) The board may not take an option on the land or enter into a
 8 contract to purchase it at a ~~higher price than the value named in the~~
 9 ~~report.~~ **greater than the average of the two (2) appraisals received**
 10 **under subsection (g).** The title to land to be acquired under the
 11 resolution, whether by purchase or appropriation, does not vest until
 12 the land is paid for out of the special fund established by the sale of
 13 bonds as provided in this chapter. Any indebtedness or obligation of
 14 any kind incurred by the board due to the acquisition of land or to
 15 construction work shall be paid out of the funds under the control of the
 16 board and ~~are is~~ not an indebtedness or obligation of the unit.

17 (i) At the time fixed for the hearing, or at any time before the
 18 hearing, an owner of land to be appropriated under the resolution or
 19 injuriously affected or a person owning real or personal property
 20 located in the district may file a written remonstrance with the secretary
 21 of the board.

22 (j) At the hearing, which may be adjourned from time to time, the
 23 board shall hear all persons interested in the proceedings and all
 24 remonstrances that have been filed. After considering the evidence, the
 25 board shall take final action determining the public utility and benefit
 26 of the proposed project by confirming, modifying, or rescinding the
 27 resolution. The final action shall be recorded and is final and
 28 conclusive upon all persons."

(Reference is to HB 1161 as printed February 11, 2003.)

Representative Dobis